SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
JAN 11 1965
JOHN F. DAVIS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1964

No. 763

CITY OF CORONADO and R. J. TOWNSEND, a taxpayer,

Appellants,

vs.

THE SAN DIEGO UNIFIED PORT DISTRICT; MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH, LARRY RUEHLE and DOE I, as port commissioners acting as the Board of Commissioners of the San Diego Unified Port District; THE STATE OF CALIFORNIA, Defendant pursuant to Section 6308 of the Public Resources Code of the State of California; et al.,

Appellees.

On Appeal from the District Court of Appeal of the State of California, Fourth Appellate District

Motion of Appellees The San Diego Unified Port District and Its Port Commissioners to Dismiss Appeal

AARON W. REESE
BURNHAM ENERSEN
601 California Street
San Francisco, California 94108

Counsel for Appellees, The San Diego Unified Port District and its Port Commissioners

Of Counsel
MCCUTCHEN, DOYLE, BROWN, TRAUTMAN & ENERSEN
DAVID M. HEILBRON

BORG PRINTING COMPANY OF CALIFORNIA, 180 FIRST STREET, SAN FRANCISCO 5

In the Supreme Court of the United States

OCTOBER TERM, 1964

No. .....

CITY OF CORONADO and R. J. TOWNSEND, a taxpayer,

Appellants,

vs.

THE SAN DIEGO UNIFIED PORT DISTRICT; MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH, LARRY RUEHLE and DOE I, as port commissioners acting as the Board of Commissioners of the San Diego Unified Port District; THE STATE OF CALIFORNIA, Defendant pursuant to Section 6308 of the Public Resources Code of the State of California; et al.,

Appellees.

On Appeal from the District Court of Appeal of the State of California, Fourth Appellate District

Motion of Appellees The San Diego Unified Port District and Its Port Commissioners to Dismiss Appeal

Appellees The San Diego Unified Port District and its Port Commissioners move to dismiss this appeal upon the ground that it does not present a substantial federal question.

The motion is based upon these facts. (1) The questions presented have been decided by this Court, against appellants, recently and long ago. (2) The election scheme complained of accorded the voters of appellant Coronado five times the weight it accorded San Diego's voters, in comparison with whom appellants assert the scheme treated them unfairly. (3) The establishment of the District, which appellants attack, was overwhelmingly approved by the voters in the area concerned. (4) Neither the District's establishment or its operation has deprived either appellant of anything.

The State of California has authorized us to state that it joins in this motion.

Respectfully submitted,

AARON W. REESE
BURNHAM ENERSEN
601 California Street
San Francisco, California 94108

By BURNHAM ENERSEN
Counsel for Appellees
The San Diego Unified
Port District and its
Port Commissioners

Of Counsel
McCUTCHEN, DOYLE, BROWN, TRAUTMAN & ENERSEN
DAVID M. HEILBRON

PROOF OF SERVICE

I, BURNHAM ENERSEN, one of the attorneys for appellees SAN DIEGO UNIFIED PORT DISTRICT, MILES BOWLER, B. F. COGGAN, JAMES GLASGOW, C. A. LARSEN, D. D. MCELFRESH and LARRY RUEHLE, and a member of the Bar of the Supreme Court of the United States, certify that on the 7th day of January, 1965, I served copies of the foregoing Motion of Appellees San Diego Unified Port District and its Port Commissioners to Dismiss Appeal on the several parties as follows:

1. On appellants CITY OF CORONADO and R. J. TOWNSEND, by depositing a copy in a United States Post Office Box at San Francisco, California, with first-class postage prepaid, to their attorneys of record as follows:

(a) John R. Goodbody, Esq.
City Attorney
Coronado, California

(b) George A. Blackstone
Caspar W. Weinberger
M. Laurence Popofsky
John H. Cutler
Heller, Ehrman, White & McAuliffe
Attorneys at Law
14 Montgomery Street
San Francisco, California